

National Labor Relations Board

Weekly Summary

of

NLRB Cases



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CASES SUMMARIZED
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Empire State Weeklies, Inc. (3-CA-26884; 354 NLRB No. 91) Webster, NY, Oct. 5, 2009. The Board affirmed the administrative law judge's findings that the Respondent violated Section 8(a)(3) of the Act in discharging Ronald Foglia, and violated Section 8(a)(1) by unlawfully interrogating him, and unlawfully creating an impression that his union activities were under surveillance. The Board, however, reversed the judge's dismissal of the allegation that the Respondent violated Section 8(a)(1) by threatening Foglia's son with unspecified reprisals. The judge dismissed the allegation on the basis that the General Counsel failed to establish the exact date of the threatening statement, and thus the General Counsel failed to establish a satisfactory foundation for the allegation. Contrary to the judge, the Board found that the General Counsel's failure to establish the date of the statement did not prevent the Board from finding a violation where the content of the statement and the fact that it was made, are undisputed. Moreover, the Board found, the Respondent's statement constituted an unlawful threat of unspecified reprisals. [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Graphic Communications Conference/Teamsters, Local 503; complaint alleged violations of Section 8(a)(1) and (3). Hearing at Buffalo, March 11-12, 2009. Adm. Law Judge Ira Sandron issued his decision May 13, 2009.

DECISIONS OF ADMINISTRATIVE LAW JUDGES

Atlantic Scaffolding Co. (Carpenters Local 502) La Porte, TX, Oct. 5, 2009, 16-CA-26018, JD(ATL)-25-09, Judge Margaret G. Brakebusch

Sandra Greer Real Estate, Inc. (an Individual) New York, NY, Oct. 5, 2009, 02-CA-39067, JD(NY)-36-09, Judge Raymond P. Green

UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

*(In the following cases, the Board adopted Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

DECISION AND DIRECTION [that Regional Director open and count ballots]

Tri-State Intermodal, Philadelphia, PA, 4-RC-21549, Oct. 9, 2009

DECISION AND CERTIFICATION OF REPRESENTATIVE

Compass Group USA, Inc. d/b/a Bon Appétit Mgmt. Co., Baltimore, MD, 5-RD-01444
Oct. 9, 2009

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

Maintech Acquisition, LLC, Queens, NY, 29-RC-11775, Oct. 8, 2009
Southern Wines and Spirits of Hawaii, Kapolei, HI, 37-RC-04203, Oct. 9, 2009

*(In the following case, the Board denied request for review of
Decision and Direction of Election (D&DE) of Regional Director)*

Audubon Nature Institute, Inc., New Orleans, LA, 15-RC-8803, Oct. 6, 2009
(Chairman Liebman and Member Schaumber)

(Miscellaneous Board Decisions and Orders)

**ORDER [denying Petitioner's request for review of
Regional Director's decision and order dismissing
Petition and amending Regional Director's decision
to provide that Petition is subject to reinstatement to provide]**

Help at Home, Incorporated, Merrillville, IN, 13-RC-21839, Oct. 8, 2009
(Chairman Liebman and Member Schaumber)

**ORDER [denying Petitioner's request for review
of Regional Director's order dismissing petition]**

NYK Logistics (Americas), Inc., Carson, CA, 21-RC-21083, Oct. 9, 2009
(Chairman Liebman and Member Schaumber)

**ORDER [denying Employer-Petitioner's request for
review of Regional Director's administrative dismissal]**

Besam US, Inc./Besam Entrance Solutions, Elk Grove Village, IL, 13-UC-418,
Oct. 9, 2009 (Chairman Liebman and Member Schaumber)
